

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MHL TEK, LLC,

Plaintiff,

v.

NISSAN MOTOR COMPANY, ET AL.,

Defendants.

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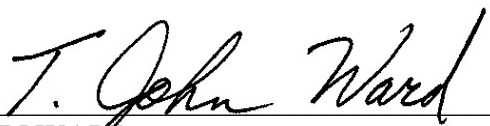
CIVIL ACTION NO. 2:07-CV-289

ORDER

On March 31, 2009, this Court entered an Order (“Order”) granting various defendants’ motions to dismiss under Fed. R. Civ. P. 12(b)(1), Claims One and Three of the First Amended Complaint filed by MHL TEK, LLC (“MHL”), on the grounds that MHL had not shown by a preponderance of the evidence, that it owned the two patents at issue¹ in those counts and, therefore, lacked standing to enforce them. (Docket No. 269). Defendants Volkswagen AG, Volkswagen of America, Inc., Audi AG, and Audi of America, Inc.’s (the “Volkswagen defendants”) have filed a subsequent motion requesting the Court to amend its Order to denote that the dismissal of MHL’s infringement claims was with prejudice (Docket No. 277). The Court has considered the arguments made by the Volkswagen defendants and the plaintiff’s response to the motion. The Court is of the opinion that defendants’ motion should be DENIED (Docket No. 277).

It is so ORDERED.

SIGNED this 31st day of July, 2009.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE